

| Agenda Item | |
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| A-1 | The Open Comment Period was considered at the regularly scheduled August 16, 2004, Council meeting. |
| B-1 | President John Hunziker called the meeting to order at 4:15 P.M. with the following members present: Councilmembers Dennis Hanson, Marcia Marcoux, Jean McConnell, Sandra Means, Bob Nowicki. Absent: Walter Stobaugh. Also present Mayor Ardell F. Brede. |
| D-1-8 | Councilmembers Hanson moved, Nowicki seconded, to approve the following consent agenda items: |
| D-1 | Adopted Resolution No. 420-04 approving the Schad-Tracy proposal in the amount of \$46,150.00 for three new Rochester International Airport Signs and authorized the Mayor and City Clerk to sign the contract and State Aid Agreement. |
| D-2 | Adopted Resolution No. 421-04 approving the new fire protection service agreement with the four townships (Cascade, Rochester, Marion and Haverhill) to extend from January 1, 2006 through December 31, 2015. |
| D-3 | See at end of D Items. |
| D-4 | Adopted Resolution No. 422-04 awarding the contract to McHugh Excavating for Project No. Mo-27 (J-9657) "Sub-trunkline Sanitary Sewer to Serve Sanitary Sewer Service Area 28F in Cascade Township" in the amount of \$472,795.05. |
| D-5 | Adopted Resolution No. 423-04 approving the City/Owner Contract with Big-DE Development Company, Inc. and Elcor Construction, Inc. for Project No. J-5073 "Basic Construction in Bandel North Second". |
| D-6 | Adopted Resolution No. 424-04 approving the City/Owner Contract with AGD Office LLC and Fitzpatrick Construction, Inc. for Project No. J-5071 "Watermain and Hydrant to Serve the AGD Office Building #2 & #3 on the Rochester International Airport Property". |
| D-7 | Adopted Resolution No. 425-04 approving the City/Owner Contract with Forbrook-Bigelow Development LLC and Elcor Construction, Inc. for Project No. J-5147 "Public Improvements in Whispering Oaks". |
| D-8 | Withdrawn. (Contract with Ames Construction in the amount of \$523,136.00 for Project No. M2-48 (J-4005) "Regional Storm Water Pond West of West Circle Drive & 41 st Street NW") |
| | Ayes (6), Nays (0). Motion carried. |
| D-3 | Councilmember Means asked about the firework display for the Tug-of-War Contests for Rochester Amateur Sports at Graham Arena. She was informed that the display would be inside the arena. |

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| | <p>Councilmembers were concerned about the outdoor sound permits for Pint's Pub for Friday evenings and for other outdoor permits that have been issued to On-Sale Liquor Licensees. Numerous complaints have been received over the summer. Councilmember Hanson moved, Nowicki seconded, to limit the sound amplification permits for Pint's Pub to the next three consecutive Friday evenings (September 3, 10 and 17) from 7:00 to 11:00 PM and reconsider the remainder of the request on September 20, 2004, after determining if any complaints had been received, and to approve the remainder of the licenses and miscellaneous activities. Ayes (6), Nays (0). Motion carried.</p> <p>Approved the following licenses and miscellaneous activities:</p> <p><u>Fireworks Display</u> Rochester Amateur Sports – Graham Arena West – September 3, 2004</p> <p><u>Gambling – Temporary</u> Bamber Valley Elementary PTA – Raffle – February 11 and 12, 2005.</p> <p><u>Heating, Ventilating & Air-Conditioning</u> Tim Ferguson Plumbing</p> <p><u>Sewer & Drain</u> Mogen Land Development LLC</p> <p><u>Sound Amplification Permits</u> Pint's Pub – Outdoor Bands at 530 11th Avenue NW – 7:00 to 11:00 PM – September 3, 10, 17, 24, October 1, 8, 15, 22, and 30. Nancy K. Hocking – Second Street NW Neighborhood Watch Block Party – August 27, 2004 – 5:00 to 9:30 PM (prior approvals: Marcoux, Nowicki, McConnell, Hanson) Chateau Theatres – Battle of the Bands – August 27, 2004 – 6:00 to 10:30 PM (prior approvals: Marcoux, Nowicki, Hanson, Stobaugh)</p> <p><u>Miscellaneous</u> Roeber's Auction Service – street closure for auction at 17th Street at 3rd Avenue S.E. – September 11 and 12, 2004. Garrick S. Beale – 18th Street NW Block Party – August 21, 2004 – 3:00 to 11:00 PM (prior approvals: Hunziker, Marcoux, Hanson, Nowicki) Oak Hills Wesleyan Church – 410 28th Street S.W. - Community Parade – September 11, 2004 – 5:00 to 6:00 PM Camp Companion – Animal Walk at Silver Lake – September 11, 2004 – 10 AM to 12 Noon.</p> |
| E-1 | <p>A Hearing on Utility Vacation Petition #04-13 by Eric and Theresa Hanson to vacate 3 feet of a utility easement located at 4833 59th Street N.W.</p> <p>Mitzi Baker, Planning Department, said staff recommended encroachment area only of the utility easement located along the easterly 10 feet of Lot 9, Block 2,</p> |

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| | <p>White Oaks Third Subdivision. She said that the applicant was to provide a description of the area to minimize the encroachment.</p> <p>Wishing to be heard was Eric Hanson, owner of the property. He noted that they are in the process of selling this property and building on another and that the business transaction depended upon approval of the encroachment today. He said that the area was much less than originally thought when the application was applied for.</p> <p>Councilmember Marcoux asked the applicant if he was in agreement with the minimal encroachment. Mr. Hanson answered yes.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Marcoux seconded, to adopt Resolution No. 426-04 approving Utility Vacation Petition #04-13 by Eric and Theresa Hanson. Ayes (6), Nays (0). Motion carried.</p> |
| E-2 | <p>A Hearing on Final Plat #03-24 by Big DE Development to be known as Bandel North Second located east of the Bandel North First Subdivision and north of the Boulder Ridge Second Subdivision.</p> <p>Wishing to be heard was Kristi Clarke, McGhie & Betts, representing the applicant. She noted agreement with the seven conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, McConnell seconded, to adopt Resolution No. 427-04 approving Final Plat #03-24 by Big DE Development to be known as Bandel North Second with seven conditions. Ayes (6), Nays (0). Motion carried.</p> |
| E-3 | <p>A Continued Hearing on Final Plat #03-36 by Roger Carlsen to be known as Fox Trails located north of 19th Street N.W., south of the Badger Ridge Development, east of the former 50th Avenue right-of-way and west of West Circle Drive.</p> <p>Wishing to be heard was Kristi Clarke, McGhie & Betts, representing the applicant. She said that they were in agreement with Conditions #1, #2 and #4 and wished to discuss Condition #3. Ms. Clarke said that there would be a problem with changing the subdivision name at this time. The developers, from outside the area, have moved forward with marketing and other documents noting the subdivision name. In conversation with Vance Swisher, Fire Department, he noted that the Fire Department responds to calls by street names rather than subdivision names.</p> <p>Mitzi Baker, Planning Department, said that the ordinance does not address but does not encourage similar names of subdivision so that names are not within the same location. Ms. Baker said that the second sentence of Condition #3 could be deleted. She said that this will not be the standard for future developments.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> |

RECORD OF OFFICIAL PROCEEDINGS OF THE COMMON COUNCIL
CITY OF ROCHESTER, MINNESOTA
Recessed Meeting No. 20 – August 30, 2004

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J-1

Councilmembers Nowicki moved, McConnell to adopt Resolution No. 428-04 approving Final Plat #03-36 by Roger Carlsen to be known as Fox Trails with four conditions striking the second sentence of Condition #3. Ayes (6), Nays (0). Motion carried.

Having no further business, Councilmembers Nowicki moved, Means seconded, to adjourn the meeting. Ayes (6), Nays (0). Motion carried.


City Clerk